

07-09-2004 15:58

From-MARTIN&amp;FERRAROLLP

3308772030

T-901 P.004/013 F-811



Attorney Docket No. 115.0023-00000

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: IMPROVED SURGICAL LIGATION CLIP, the specification of which ☐ is attached and/or ☒ was filed on November 12, 2003 as United States Application Serial No. 10/706,715 or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment (referred to above.) I acknowledge the duty to disclose information when it material to patentability as defined in 37 CFR § 1.54.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(a) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International application(s) designating at least one country other than the United States, listed below and here also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing
60/424,521	November 12, 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.54 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: MARTIN & FERRARO LLP, Thomas H. Martin, Registration No. 34,263; Amerleio F. Ferrara, Registration No. 37,129; and Todd M. Martin, Registration No. 42,844. Please address all correspondence to:

Customer No. 22882  
**MARTIN & FERRARO LLP**  
 1557 Lake O'Pines Street, NE  
 Marietta, Ohio 44632  
 Telephone No. (330) 877-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor John L. Shipp	Inventor's Signature <i>John L. Shipp</i>	Date 7/2/04
Residence Jacksonville Beach, Florida	Citizenship United States	
Post Office Address 1221 1 <sup>st</sup> Street South, Unit 7A, Jacksonville Beach, Florida 32230		

MARTIN &amp; FERRARO, LLP

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OPR/ASSIGNMENTS

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Exhibit A

JUL 09 2004



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RECORDATION DATE: 03/05/2003

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SHIPP, JOHN I.

DOC DATE: 01/31/2003

ASSIGNEE:

SURGICON, INC.  
400 LONG BEACH BOULEVARD  
STRATFORD, CONNECTICUT 06615

SERIAL NUMBER: 60425521

FILING DATE: 11/12/2002

PATENT NUMBER:

ISSUE DATE:

LAZENA MARTIN, EXAMINER  
ASSIGNMENT DIVISION  
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From: MARTIN &amp; FERRAROLI, P

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T-901 P.008/013 F-811



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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: SURGICON, INC.Application No./Patent No.: 10/788,713 Filed/Issue Date: November 12, 2003Entitled: SURGICAL LIGATION CLIPSURGICON, INC.

(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 013462, Frame 0000, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

July 2, 2004

Date

(203) 333-1177

Telephone number

Roberta Nevelson

Typed or printed name

[Signature]

Signature

Title

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is essential to this 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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